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PETITION UNDER

37 C.F.R. 1.181

Huey Thomas Crochet
P.O. Box 344
Onalaska, TX 77360

In re Application of:

Huey Thomas Crochet

Serial No. 10/083,771

Filed: February 27, 2002

For: **Dynamic Snag-Resistant
Fishing Weight**

The letter filed on November 25, 2003 has been treated as a petition under 37 C.F.R. 1.181 to invoke supervisory review to request the withdrawal of the Notification of Non-Compliance with 37 CFR 1.192(c) mailed November 3, 2003, paper no. 14.

In regards to the petition filed November 25, 2003, the petition has been **GRANTED**.

A review of the file record reveals the following:

1. A final office action was mailed on April 11, 2003 as paper no. 9.
2. A request for reconsideration entitled "Applicants Response to the Examiners Final Office Action Regarding Application 10,083,771 Filed 2/27/02 by Huey Thomas Crochet" was received on June 2, 2003, paper no. 10.
3. An Advisory Action was mailed on June 25, 2003, paper no. 11.
4. A Notice of Appeal was received on July 11, 2003, paper no. 12.
5. An Appeal Brief was received on August 12, 2003, paper no. 13.
6. A Notification of Non-Compliance with 37 CFR 1.192(c) was mailed on November 3, 2003, paper no. 14.
7. The current petition to invoke supervisory review under 37 CFR 1.181 was received on November 25, 2003, paper no. 15.

MPEP 1206 "Appeal Brief Content" states in part:

Where an appeal brief fails to address any ground of rejection, appellant shall be notified by the examiner that he or she must correct the defect by filing a brief (in triplicate) in compliance with 37 CFR 1.192(c). See 37 CFR 1.192(d). Form paragraphs 12.76-

12.76.06 and 12.78, or form PTOL-462, "Notification of Non-Compliance with 37 CFR 1.192(c)," may be used to notify the appellant of the deficiency.


MPEP 1206 further states in part:

An exception to the requirement that all the items specified in 37 CFR 1.192(c) be included in the brief is made if the application or reexamination proceeding is being prosecuted by the appellant pro se, i.e., there is no attorney or agent of record, and the brief was neither prepared nor signed by a registered attorney or agent. The brief of a pro se appellant which does not contain all of the items, (1) to (9), specified in 37 CFR 1.192(c) will be accepted as long as it substantially complies with the requirements of items (1), (2), and (8). If the brief of a pro se appellant is accepted, it will be presumed that all the claims of a rejected group of claims stand or fall together unless an argument is included in the brief that presents reasons as to why the appellant considers one or more of the claims in the rejected group to be separately patentable from the other claims in the group.

A review of the current application reveals that the Appeal Brief received on August 12, 2003 was filed by the applicant and the instant application is further being prosecuted by the applicant.

A further review of the Appeal Brief received on August 12, 2003 reveals that the applicant substantially complied with the requirements of items (1), (2) and (8) as specified in 37 CFR 1.192 (c). Therefore in light of MPEP 1206, the Appeal Brief filed August 12, 2003 has been accepted and the Notification of Non-Compliance with 37 CFR 1.192 (c) mailed on November 3, 2003 has been withdrawn.

This application is being returned to Primary Examiner Rowan for consideration of the Appeal Brief filed August 12, 2003. With respect to applicant's remarks found on pages 1-8 of the instant petition, these remarks will be forwarded to Examiner Rowan as supplemental arguments for consideration.



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